GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:5063
ANSWERED ON:29.04.2008
MISUSE OF ANTICIPATORY BAIL
Gadhavi Shri Pushpdan Shambhudan

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the provision of anticipatory bail under the criminal procedure code is being misused by the criminals; and

(b) if so, the action proposed to be taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SMT. RADHIKA V. SELVI)

(a) & (b): In the case of Balchand Jain Vs State of Madhya Pradesh AIR 1977 SC 366, the Supreme Court of India has laid down that the power under section 438 of the Code of Criminal Procedure, 1973 is of an extraordinary character and must be exercised sparingly and in exceptional cases only. However, this matter falls exclusively within the purview of the judiciary.